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SUBJECT: BOSNIA: INL-MANAGED SEED-FUNDED PROJECTS ADVANCE
POST'S RULE OF LAW AGENDA

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Introduction

11. The U.S. Department of Justice International Criminal Investigative Training Assistance Program (ICITAP) and the Overseas Prosecutorial Development Assistance and Training (OPDAT) rule of law program, funded by INL-managed SEED funds, continue to play a critical role in advancing our rule of law agenda in Bosnia. Both institutions shore up relatively young state-level institutions by helping them to more effectively fight organized crime, corruption, economic and war crimes, and terrorism. Strengthening these institutions not only helps the rule of law to become more entrenched in the country, but it also increases public confidence in the rule of law and state-level institutions and advances Bosnia's EU accession efforts. ICITAP's and OPDAT's assistance have become even more valuable given the increased attacks on state-level law enforcement and judicial institutions, primarily by Republika Srpska (RS) Prime Minister Milorad Dodik and his government. Dodik and other RS officials have increased their rhetorical attacks against these institutions as part of a wider campaign to thwart state-level institutions, and because these state-level institutions, with USG assistance, are becoming more effective in their fight against crime. This is the third in a series of monthly reporting cables on INL-funded rule of law and law enforcement projects.

OPDAT Gives Asset Forfeiture Management a Boost

12. The OPDAT program continues to focus on asset management forfeiture in order to help Bosnian officials more effectively use it as a tool to deter financial crimes, organized crime, and corruption. Law enforcement, prosecutors, and judges had long complained about the courts' inability to ensure that forfeited assets were being properly managed, and about the negative impact this was having on morale. This concern has grown more acute with the State Prosecutor's increased use of asset forfeiture in the Special Department for Organized Crime, whose staff worry that their efforts are being undermined by the State Court's under-developed asset forfeiture system. The global economic crisis has also increased pressure on court officials to strengthen the existing asset forfeiture system so that the

State level government can benefit from much needed funds. In response to requests for assistance from State Court President Meddzida Kreso and other judicial officials, OPDAT arranged for a May 27-28, 2008 visit by the U.S. Marshals to Bosnia to conduct a seminar with judges and other court officials regarding how forfeited assets are managed in Bosnia. The ensuing discussion gave participants, including Kreso and Deputy Justice Minister Srdjan Arnaut, the opportunity to discuss the obstacles faced in this field.

¶3. The U.S. Marshals then used the information gained during the seminar to conduct an assessment, which was presented to Kreso and other officials. The well-received assessment concluded that while Bosnia has existing legislation that establishes the basis and ways to forfeit assets, the country has an under-developed system that suffers from a myriad of problems. These include, for example, asset management by individual courts whose personnel lack knowledge about the mechanism they can use to confiscate or manage assets. Prosecutors and investigators do not focus on identifying assets early on in investigations to ensure that they obtain maximum results, nor are there asset management tracking systems or accountability mechanisms in place. In addition, the proceeds from the sale of forfeited assets go into a general budget rather than be earmarked in full or in part for law enforcement and the judiciary, so that at a minimum, there are funds to pay for the management of forfeited assets, salaries, third party payments, and other expenses.

¶4. As a follow-up to these two activities, OPDAT facilitated a second seminar by the U.S. Marshals on February 27 and 28 of this year with some of the same participants plus new

officials. They discussed the results of the assessment with the participants and ways in which they could move forward with strengthening Bosnia's existing asset forfeiture legislation and procedures. There was also much discussion about having court police assume functions similar to those of the U.S. Marshals. The U.S. Marshals gave participants forms and other documents that can be used as checklists that facilitate the seizure, storage, and disposal of assets, which were translated by OPDAT. We will be closely monitoring efforts by participants to improve upon the existing system.

Addressing Problems with the State Court's Appeals Panels

¶5. OPDAT met recently with the State Court's Judicial Education Committee to explore areas for collaboration. The committee, which is currently made up of both international and national judges, including President Kreso, is responsible for convening an annual National Judicial Conference, which has been held in the past two years with the support of the United Nations Development Program (UNDP). The Conference is aimed at providing internal training to judges on areas of specific interest, as well as providing a forum for the State Court outside of the entities' and Brcko Districts' Judicial Training Centers. As a result of the meeting, OPDAT plans to sponsor a round table discussion for judges and other officials regarding the problems faced by the Court's appeals' panels. The work of the appeals panels, particularly their tendency to overturn or modify verdicts in favor of defendants in organized crime cases, have long been criticized by national and international observers. Most recently, the problem was raised in an independent expert report funded by the Swedish government. The aim of the discussion is to have a frank discussion and to encourage judges and court officials to take tangible steps to address these problems.

English Language Training

¶6. OPDAT has been spearheading efforts to provide English-language training to judges, prosecutors, and legal officers at the State Court and the State Prosecutor's

Office. There is a high premium on the ability to converse and read legal terms in English given that the large number of documents received from the International Criminal Tribunal for the former Yugoslavia (ICTY) and countries outside of the former Yugoslavia are in English, as well as the limited or nonexistent English language skills of staff at the State Court and State Prosecutor's Office. As a result OPDAT has teamed up with the SOROS foundation to meet this need. The SOROS foundation provides language training for prosecutors, while the Resident Legal Advisor conducts weekly legal English classes for legal officers, which are in much demand, and are preparing to launch a class for judges, pending funding. Having a partnership with SOROS allows OPDAT to leverage funds and to make use of trained English language teachers. OPDAT also continues to explore resources that may be available through the Office of Public Affairs.

OPDAT Secures Second Interim Legal Advisor

¶ 7. In the coming months, Post will use FY2009 Performance Funds to fund the presence of a second interim legal advisor (ILA) to mentor staff at the State Prosecutor's Special Department for Organized Crime, which prosecutes the country's most egregious organized crime, financial crimes, and corruption cases. The second ILA will continue the mentoring currently being done by ILA Rick Willis who will finish his six-month assignment in June. Willis has provided guidance on five terrorism cases, including several that are of interest to the USG, and valuable advice on best practices, including ways in which the office could improve police-prosecutor cooperation. The presence of the second ILA will come at a critical time, since international prosecutors seconded to the department, including its USG-funded head, will be preparing the transition to an all national staff by mid December. In addition, the presence of

the ILA will help boost the morale of a department that continues to face significant political pressure primarily from Republika Srpska (RS) Prime Minister Milorad Dodik and his government. Dodik's rhetorical attacks have increased recently due to the department's ongoing preliminary investigation into allegations of corruption by Dodik and other RS officials.

ICITAP Equipping Law Enforcement with Needed Skills

¶ 8. This month ICITAP provided a three-day training course to inspectors from the Foreigners Affairs Service (FAS) on the mechanics of conducting interviews and interrogations. The training, which was specifically tailored for FAS, was aimed at helping the inspectors deal with common problems they face when interviewing and interrogating individuals, both perpetrators and victims of crimes. Among other skills, the inspectors learned how to read verbal and non-verbal indicators to determine whether an individual is being deceptive. As a result of this training, participants are better able to safeguard Bosnia's weak borders and to fight human smuggling, trafficking, and other crimes.

¶ 9. ICITAP also provided two separate courses on how to conduct investigations for officials from the State Investigative and Protective Agency (SIPA) and the State Border Police. The first course was a basic investigative course designed to teach participants how to use a database to input, collect, and analyze intelligence. The second was an advanced course for a different group of officials who had received the basic course previously. This course built on the previous training by focusing on specific problems the officials encounter regarding documenting, tracking, and linking photos and phone records. Participants were shown how to create records for analysis and were given ample opportunities to practice their newly acquired skills through practical exercises.

¶ 10. ICITAP donated computer and other specialized equipment

to the Sarajevo Ministry of Interior Crime Technical Department. This \$50,000 donation included crime scene investigation kits for police vehicles, computer systems and printers for laboratory personnel to upgrade their forensic processing methods. Police personnel can now use their older computer models for report writing, organizing files, and to implement a database. Specialized chemicals, fingerprint processing equipment as well as two laptops were provided to assist with the ongoing investigation into a major local organized crime figure, Muhamad Ali Gasi. As part of the final implementation of the Evidence Project, ICITAP donated office equipment, metal shelving and packaging supplies to properly equip the new 300 m² evidence room located in Vogosca.

ICITAP Improving Police Coordination

¶11. On March 20 members of the State-Level Executive Law Enforcement Group (Border Police Director Vinko Dumancic, Foreigners Affairs Service Director Dragan Mektic, Federation Police Director Zlatko Miletic, RS Police Director Uros Pena, Brcko District Police Chief Goran Lujic, Sarajevo Police Commissioner Himzo Selimovic, BiH Chief Prosecutor Milorad Barasin, and ICITAP Program Manager James Tillman) met for the fourth time. These meetings are a direct outgrowth of the ICITAP-sponsored September 2008 trip to the U.S. with the same group of law enforcement officials. Invited guests also included ICITAP staff, and the new European Union Police Mission Commissioner Stefan Feller.

¶12. During the meeting the group decided to create and staff an inter-agency task force intended to monitor six individuals, who have had their BiH citizenship revoked, however, because of legal requirements, have not yet been deported. Because the group views these individuals as potential threats to national security, they decided this task force was the best way to best track the individuals' activities. Federation Police Director Miletic agreed to provide office space for the task force and each law enforcement agency committed to provide analysts and investigators to staff it. These police officials deemed the formation of this task force a good way to maximize thinly stretched police resources to prevent potential terrorists and terrorists organizations from operating in BiH.

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